

Mail Stop Interference
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Paper 1
Filed: April 6, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Institut National de la Recherche Agronomique,
Junior Party
(Application 10/613,053
Inventors : Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH , McGill University,
and DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971
Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,
Gregory G. Brown, Benoit S. Landry, Wing Cheung,
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts D and E of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Identification and order of the parties

Junior Party

Named inventors:	Jun Imamura Hideya Fujimoto Ritsuko Yanagidate Nobuya Koizuka Takako Sakai Takahiko Hayakawa
Involved Application:	10/613,053 filed July 7, 2003
Title:	Protein Involved in Restoration of Cytoplasmic Male Sterility to Fertility and Gene Encoding the Protein and Gene
Assignee of Record:	Institut National de la Recherche Agronomique

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1 The claims of the parties which correspond to Count 1 are:
2 Application 10/613,053: Claims: To be determined
3 Patent 7,314,971: Claims: To be determined
4 The claims of the parties which do not correspond to Count 1, and, therefore,
5 are not involved in the interference are:
6 Application 10/613,053: Claims: To be determined
7 Patent 7,314,971: Claims: To be determined
8 The parties are accorded the following benefit for Count 1:
9 Application 10/613,053: None
10 Patent 7,314,971: None
11 **Part F. Heading to be used on papers**
12 The following heading must be used on all papers filed in this
13 interference, see SO ¶ 106.1.1:

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Title of Paper

1 **Part G. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly
3 expedite processing of the request. Please attach a copy of Parts D and E of
4 this DECLARATION with a hand drawn circle around the patents and
5 applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Copy U.S. Patent 7,314,971

Copy of claims of 10/613,053

cc (via overnight delivery):

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